

Senate Armed Services Committee
Questions for the Record
Hearing on 7/31/19, #18-66
“To Consider the Nomination of: Vice Admiral Michael M. Gilday, USN to be admiral and Chief of Naval Operations”
Witness: Gilday

Senator James Inhofe

Is the Navy in balance

As I mentioned in my opening statement, the Navy seems out of balance – undermanned, debilitating maintenance delays and unfunded work, and major acquisition delays. Admiral Gilday, what is your view of the overall state of the Navy? Is it in balance, positioned to grow to 355 ships?

Part of the mission of the U.S. Navy is providing a global, forward presence that enables us to respond quickly around the world when it is in our national security interests. Our ability to sustain that presence depends on an appropriate balance of capacity, capability and readiness.

Our 30-year shipbuilding plan outlines a path to 355 ships via near-term service life extension and long term procurement, ensuring we can meet the strategic challenges of the future. However, a larger number of ships will not increase our lethality unless those ships are ready – as stated in the NDS, we have a backlog of deferred readiness, procurement, and modernization requirements that must be addressed through targeted, disciplined increases in our number of platforms and number of personnel.

The Navy’s readiness has been on an improving trend since 2017, thanks in large part to the additional funding provided by Congress since that time. We’ve taken steps to improve our maintenance processes, increased the number of spare parts on the shelves and hired additional manpower. However, it is too early to declare victory and if confirmed, I’m committed to leaving no stone unturned in our efforts to achieve sustainable, affordable readiness on a predictable schedule.

Ultimately, Sailors and their families are the ones who pay the price when we get readiness issues wrong. While I have seen initial indications of progress, I am committed to ensuring we reexamine our assumptions, back up our decisions with data, and provide appropriate oversight of maintenance processes. We have to improve our ability to generate ready forces if we have any hope of growing the Navy to the size and quality required by the current strategic environment.

If confirmed, I am committed to working with the members of this committee on prudent, balanced investments in the future of our Navy, to ensure we have sufficient, capable forces, ready to respond when called in service to our nation.

Improving lead ship performance

By 2023, the fleet is projected to grow to 314 ships with several new lead ships planned to be procured, including *Columbia*, Frigate, Large and Medium Unmanned Surface Vessels, a surveillance ship, and a cable ship. The last eight combatant lead ships cost a total of \$8 billion more than the initial budget; five were delivered at least two years late; with dozens of deficiencies. Admiral Gilday, what is your view of recent lead ship performance and what will you do differently to ensure an adequate technical foundation is in place prior to procuring future lead ships?

Lead ship performance has not been as good as we would like, both in terms of cost and schedule. To some degree, we expect to learn lessons as we field new technology and it is important that we aggressively pursue revolutionary warfighting capability that will help us maintain and increase our advantage over adversaries.

However, we can and should reduce technical risk of cutting edge technologies through best practices like prototyping, modeling and simulation and rigorous testing. We need to improve our ability to generate accurate requirements for new systems, mature key technologies before construction begins, and integrate them during the design process. We also need to ensure lessons learned, both from commercial industry and across programs, are incorporated into each new lead ship.

Ford-class updates

Admiral Gilday, do you commit to provide the Committee with periodic updates on the construction, testing, and reliability issues of the *Ford*-class, including those related to the Dual Band Radar, Advanced Arresting Gear, Electromagnetic Launch System, and Advanced Weapons Elevators?

Yes.

Senator Tom Cotton

Virginia-Class Submarines

1. VADM Gilday, during your testimony today, you stated in the affirmative that submarines have a critical role to play in implementing the National Defense Strategy, including strategic deterrence, sea control, key intelligence functions, and other essential warfighting missions. You also agreed with Admiral Philip Davidson's statement from the last U.S. Indo-Pacific Command (INDOPACOM) posture hearing that "continuing to build submarines is critically important" to our force because some of "our most significant advantage in all domains right now is in the subsurface." With the upcoming retirement of the *Ohio*-class submarines, the Navy will be losing approximately 20 percent of its submarine launched firepower, and the *Virginia* payload module will be

unable to fully cover the deficit. By 2025 the Chinese subsurface fleet will reach 68 vessels, whereas ours will shrink to approximately 45 in 2030. In light of these facts, do you agree that emphasis should be placed on increased fast-attack submarine construction as part of our deterrence strategy moving forward?

Although fast-attack submarines continue to provide the United States with a significant asymmetric advantage against our adversaries, we must develop and field the appropriate balance of capabilities and capacity to meet the requirements of the National Defense Strategy. The Navy has emphasized the importance of the Submarine programs, to include our number one procurement priority, the COLUMBIA SSBN program, and has outlined a plan to achieve the necessary number of ships with 66 fast attack submarines as outlined by the 30 year shipbuilding plan.

2. VADM Gilday, if not, what capability will should the Navy be fielding that can operate within adversary anti-access/area denial (A2/AD) networks and provide the same capability?

The Navy must look across the entire range of capabilities to ensure we field the most capable, balanced, and lethal force to meet the demands of the National Defense Strategy. Not only should we look at traditional platforms such as submarines, fifth generation aircraft, and long-range effects from surface ships, we must also look to harness emerging technologies such as hypersonic weapons, unmanned platforms, as well as improving our cyber and space capabilities.

Forward Presence

3. VADM Gilday, the Intermediate-Range Nuclear Forces Treaty (INF) is set to expire this week (August 2, 2019) after Russia has refused to come into compliance. China, who has never been bound by the treaty, can field approximately 1,227 medium range ballistic missiles for the price of a single new U.S. aircraft carrier, without an aircraft or human on it. It seems to me that U.S. Forces don't need to mirror Chinese capabilities, but we ought to give our defense planners more tools – and our rivals' defense planners more things to worry about. Should the production and forward deployment of mobile land-based missiles also be a part of our deterrence strategy moving forward?

If confirmed, I will provide my best military advice to civilian leadership and consider all options as part of our deterrence strategy moving forward.

4. VADM Gilday, considering that our recent budget deal settled on \$738 billion for defense – short of the \$750 billion allotment deemed necessary by bipartisan Senate National Defense Authorization Act for this year – could construction and forward deployment of this technology be a more fiscally achievable way to address force posture challenges in the Indo-Pacific?

Mobile land-based missiles have the potential to contribute to the joint force, but their relative affordability is a complex question dependent on specific mobilization, command and control, availability, force protection requirements, and employment requirements best discussed in a classified forum.

Force Posture

5. VADM Gilday, the National Defense Strategy (NDS) Commission Report of 2018 states that “successfully competing in...the Indo-Pacific region, while also managing escalation dynamics, requires positioning substantial capability forward [in what the NDS calls the “blunt” layer] to deter and prevent a *fait accompli* by an agile, opportunistic adversary.” To what extent do our current Navy programs need to change in order to provide decision makers with more options for deterring and defeating Chinese attempts at a *fait accompli*, if necessary?

In accordance with the National Defense Strategy, the Department must ensure it has a combat-credible and forward-present military to deter Chinese aggression in the Western Pacific and push back against Chinese coercion globally. A strong, credible military deterrent in the Indo-Pacific is the most effective way to avoid such situations from developing. The Joint Force must have sufficient capability in all domains –including space, cyber, land, air, sea, and undersea– and be postured accordingly. Further, the United States needs a robust security architecture in the region and a global network of allies and partners to deter our adversaries and competitors, and sustain the rules-based international order that has existed for decades. Effective deterrence is not static. It must, and will be, improved in line with the National Defense Strategy.

6. VADM Gilday, should the Navy be stationing/forward deploying more assets in Asia to ensure that any response to near-peer aggression or attempted *fait accompli* is quick and decisive?

Forward deployment of assets in Asia is key to readiness and deterrence. If confirmed, I will continue to evaluate our strategic laydown in the Indo-Pacific, especially as the strategic environment evolves.

Force Structure

7. VADM Gilday, Navy officials have previously stated that the next Force Structure Assessment, or FSA, is due to be completed by the end of the year. Is that still the case?

Yes.

8. VADM Gilday, will the results of this new FSA reflect a shift away from the 355-ship Navy concept and towards an optimization of mix and capability?

Congress made a 355-ship Navy the law of the land, and increased capacity in our fleet will strengthen our ability to prevail in any warfighting contingencies, meet demand signals from Combatant Commanders, expand global influence, and support American prosperity by safeguarding access to critical markets, waterways, and chokepoints. Nevertheless, I believe the FSA will provide critical data to enable informed regarding optimization of mix and capability.

9. VADM Gilday, what do you anticipate this FSA will say about fast-attack submarines, surface combatants, and the amphibious portions of our fleet?

The 355-ship force structure requirement, informed by the 2016 Force Structure Assessment (FSA), was the appropriate future (circa 2030) battle force structure based on 2016 strategic guidance, warfighting concepts and operating constructs, intelligence estimates and approved defense planning scenarios. Navy is conducting a 2019 FSA to reflect changes to strategic guidance, warfighting concepts and operating constructs that have occurred since 2016. It would be premature to speculate on the outcome of the FSA, but I believe the FSA will provide critical data to enable informed decisions regarding optimization of mix and capability, to include fast-attack submarines, surface combatants, and amphibious vessels. If confirmed, I will ensure Congress is briefed on the results of the 2019 FSA.

Cyber

10. VADM Gilday, given your experience in the area of cyber operations, what is your assessment of how vulnerable the Navy, its contractors, and their subcontractors currently are to state-sponsored cyber intrusions?

Cyber vulnerabilities in the private sector and especially in the defense industrial base pose a serious threat to U.S. national security. As military defenses are relatively formidable, critical infrastructure and the defense industrial base and private sector are likely seen as a rich source of information and a critical vulnerability in the Nation's armor. State actors have therefore demonstrated the capability and willingness to target and gain access to U.S. businesses as well as federal, state and local governments. The magnitude of data exfiltration from both industry and government is just as serious as the military espionage aimed at reducing our technical advantages against our adversaries. Cyber criminals and non-state actors also pose concerns. If confirmed, I would look forward to providing more details in a classified setting.

11. VADM Gilday, do you believe the Navy, its contractors, and their subcontractors are moving quickly enough to address these vulnerabilities?

If confirmed, I would look forward to providing more details in a classified setting.

12. VADM Gilday, what else should we be doing to repair this situation?

If confirmed, I would look forward to providing more details in a classified setting.

Long Range Fires

13. VADM Gilday, General David Berger recently release his Commandant's Planning Guidance for the Marine Corps. Do you think it's a good thing that the Marine Corps is moving in the direction of focusing on sea denial and assured access via the procurement of long-range fires (missiles and F35Bs) in support of fleet operations over their previous focus on joint forcible entry?

I support the Commandant's efforts to develop capabilities that facilitate sea denial and sea control, "augmenting the fleet and joint force's use of the sea for our own interests while denying adversaries the same possibilities" as stated in the Commandant's Planning Guidance.

14. VADM Gilday, if the Marine Corps provides a stand-in force capability for the fleet with missiles and F35Bs, what role do you envision for Marine Corps F35Cs?

The F-35 provides transformational warfighting capabilities for the future naval and Joint Force. The F-35C's stealth characteristics, long-range combat identification and ability to penetrate threat envelopes while fusing multiple information sources into a coherent picture will transform the CSG decision superiority. Whether the mission requires the execution of strike, close air support, counter air, escort, or electronic warfare, Navy and Marine Corps F-35C's will bring cutting edge technology to the future fight.

Senator Thom Tillis

Fleet Readiness Center East

15. VADM Gilday, when is the Navy going to make that investment in Fleet Readiness Center (FRC) East and other FRCs to build the maintenance hangars needed for F-35 heavy maintenance?

The Navy's 2018 Fleet Readiness Center (FRC) Infrastructure Optimization Plan (IOP) provided to Congress in April 2019 outlines a ten-year plan for facility and equipment investments and improvements. The plan includes two future projects for F-35 aircraft heavy maintenance: a maintenance hangar at FRC-East, MCAS Cherry Point, NC and a second phase project for this hangar. If confirmed, I will evaluate the best timing for funding these projects in future Navy budgets.

16. VADM Gilday, is that money programmed into the Navy's Future Years Defense Program (FYDP)?

No, funds are not programmed in the Navy's PB20 budget submission. These two projects will be considered for resourcing in the development of future budget requests.

17. VADM Gilday, the problems with the F-35 continue and the B and C variants both have category 1 deficiencies which have to be fixed and those problems get fixed at FRC East and elsewhere. Secretary Mark Esper, in his confirmation hearing stated that the F-35 won't meet the Department of Defense's (DOD) 80 percent readiness rate goal, which is concerning. What can Congress do to help the Navy overcome these challenges and better sustain the aircraft?

The most important action Congress can take is to enact budgets on time to provide stability to the FRCs and the Industrial Base. Navy is aggressively working to improve aviation readiness, including substantial process improvements and applying industry best practices. If confirmed, I will work with Congress on support for these and other actions to better sustain our aircraft. I appreciate the strong support of this Committee and the Congress in supporting full funding of our readiness budget requests. Your continued support and leadership in addressing the Navy's readiness needs will be critical.

Marine Corps Air Station Cherry Point

18. VADM Gilday, given that Marine Corps Air Station (MCAS) Cherry Point is a critical Marine Corps asset, do you concur that the station plays a vital role in our national defense and, as Chief of Naval Operations (CNO), would you take all appropriate action to preserve its current and future capabilities?

Yes, I concur that the air station plays a vital role in our nation's defense.

19. VADM Gilday, the 2019 Marine Aviation Plan shifts F-35 squadrons away from MCAS Cherry Point and toward the Pacific. What additional missions and roles are possible for MCAS Cherry Point if it will have fewer F-35 squadrons?

MCAS Cherry Point serves an important role in Marine Aviation, and support to the Second Marine Expeditionary Force and aviation requirements across the globe. The air station is the home to the Fleet Readiness Center - East (Depot repair for Navy and Marine Aviation), Naval Health Clinic Cherry Point, and the Second Marine Aviation Wing which includes AV-8Bs, KC-130J, and RQ-21 Blackjack unmanned systems. Further information can be provided by the Marine Corps upon request.

Senator Dan Sullivan

Strategic Arctic Port

20. VADM Gilday, given our adversaries' increasing interest in Arctic operations, in your personal opinion do you believe that there is a strategic imperative for the Navy to have a port in the Arctic? Why or why not?

Given the competing geographic boundaries that encompass the Arctic, I believe the Arctic is strategic terrain in the defense of the homeland and protecting U.S. northern approaches is critical to our national security. The Navy, along with the entire Joint Force must consider all options in terms of how to ensure security interests in the region. Any recommendations regarding changes to base infrastructure in the Arctic should be considered in light of our overall strategic posture in the NORTHCOM, INDOPACOM, and EUCOM AORS.

21. VADM Gilday, a provision in the Senate-passed Fiscal Year 2020 National Defense Authorization Act (NDAA) requires the Secretary of Defense to designate a Strategic Arctic Port. If confirmed, will you commit to providing your best military advice to the Secretary of Defense with respect to the designation of a site or sites for a Strategic Arctic Port?

Yes, I will.

22. VADM Gilday, what factors will inform your best military advice to the Secretary of Defense with respect to the designation of a site or sites for a Strategic Arctic Port?

Any strategic port, to include any potential ports in the Arctic, must be capable of supporting U.S. Navy ships such as our Arleigh Burke class destroyers and Amphibious ships with access to support infrastructure, fuel, hospital, and waste services. In addition, the depth of the port will be a critical factor.

Arctic Surface Capabilities

23. VADM Gilday, Secretary of the Navy Richard Spencer said while visiting Alaska last year, "We need to have an on-sea presence now that we have a blue water Arctic more times than not." Do you agree with Secretary Spencer? Why or why not?

Yes, I do. The National Defense Strategy affirms the Department of Defense will be prepared to defend the U.S. homeland. The Arctic is strategic terrain in the defense of the homeland and protecting U.S. northern approaches is critical to our national security.

24. VADM Gilday, in your personal opinion, what assets does the Navy require to be able to visibly project power in an increasingly blue water Arctic?

The Navy has capabilities to visibly project power in the Arctic. This includes Navy submarines and aircraft that can provide year round presence and power projection if necessary. In addition, Navy surface combatants could operate in the region during open water conditions associated with the summer melt season.

25. VADM Gilday, in your personal opinion, do you believe that the Navy can have a necessary Arctic presence, now and in the near future, without ice-hardened vessels? Why or why not?

Yes, I do believe the Navy has the necessary presence in the Arctic now and in the near future. While there are currently no validated capability gaps that require the Navy to ice-harden existing surface vessels or construct new ice-capable surface vessels to meet national security requirements, as they exist today, it is important that we reassess these requirements against evolving conditions in the Arctic. The Navy does have a robust capability to project power year round in the region with our submarine and aviation forces. Navy surface combatant could conduct operations during in open water conditions during the summer melt season.

Arctic Freedom of Navigation Operations

26. VADM Gilday, what capabilities can DOD provide the President for conducting surface freedom of navigation operations (FONOPs) in the event that Russia should attempt to deny the United States access to international shipping in the Arctic?

The U.S. FON Program employs every branch of military service including the U.S. Coast Guard. In the Arctic, Navy submarines can conduct FONOPS year round, either undersea or by surfacing, and Navy surface combatants could conduct FONOPS in open water conditions during the summer melt season.

27. VADM Gilday, what capabilities are lacking?

There are currently no validated capability gaps.

Senator Kevin Cramer

Emerging Technologies

28. VADM Gilday, one of the greatest challenges we face is competing with China in the development of technologies that will radically transform how our forces will fight future wars. China is significantly out investing and placing a much higher political and cultural priority than the United States on emerging technologies such as artificial intelligence, machine learning, and quantum computing. Which technology priorities do you believe the Navy should be pursuing to maintain technological superiority?

The potential of emerging technologies such as artificial intelligence, machine learning, and quantum computing could significantly impact the way we fight in the future. As such, the U.S. Navy cannot stand still and must quickly, but deliberately, harness the potential of these technologies offer across the enterprise.

29. VADM Gilday, what do you see as the most significant challenges (e.g., technical, organizational, or cultural) to U.S. development of these key emerging technologies such as artificial intelligence, hypersonics, cyber, directed energy, and quantum computing?

The challenges to effectively implementing emerging technologies are numerous but not insurmountable. We must address innovation in a more focused and sustained way, considering the technical, organizational, cultural, and ethical challenges in parallel. What matters most is that we are able to rapidly acquire and field emerging technologies while also providing the sustainment, training and integration into existing systems so that these efforts produce immediate and enduring military advantage.

30. VADM Gilday, if confirmed, what steps will you take to ensure that the Navy is benefitting more quickly and directly from the research being performed by the defense research enterprise?

Making innovation accessible to the government is a critical issue if we are to ensure we benefit quickly and directly from research and development efforts in emerging technology. Today, the U.S. private sector invests significantly greater amounts than the federal government in research and only a small portion of government investment goes to developing emerging technologies. Initially, I plan to focus on identifying how we can appropriately balance the unique work which must be performed in the defense research enterprise with work we can leverage in the private sector.

Global Hawk Consolidation at Grand Forks Air Force Base

31. VADM Gilday, the United States Air Force recently consolidated all of its RQ-4 Global Hawk operations with the 319th Reconnaissance Wing at Grand Forks Air Force Base in North Dakota. A significant reason for this consolidation of the Air Force's Global Hawk operation at Grand Forks was help increase the synergy, crosstalk and collaboration necessary for innovative and effective approaches to operating remote piloted aircraft

(RPAs). The Navy operates a variant of the Global Hawk called the MQ-4C Triton or broad area maritime surveillance (BAMS) unmanned aircraft system (UAS) which will be piloted out of Florida and Guam. Would you commit to investigating synergies in RPA and UAS operations and testing between the Air Force and the Navy?

Yes.

32. VADM Gilday, are there benefits to creating of a joint center of excellence for unmanned systems? If so, what are they?

Joint centers of excellence can provide some synergies with like programs. If confirmed, I would like to examine this in more detail to ensure a joint center of excellence is the most effective means of delivering these vital capabilities.

33. VADM Gilday, will you commit to work with me on increasing synergies and collaboration for remote pilot aircraft operations?

Yes.

Maritime Accelerated Acquisition Process (Section 804 authorities)

34. VADM Gilday, in order to compete with China our development and fielding of weapons systems needs to be much faster. Taking up to a year and a half just to get the initial paperwork, and a decade or more to get a weapons system to initial operating capability (IOC) is dangerously unacceptable when China is able to do the same in 5 years or less. One of the potential solutions to this problem are two provisions passed in the 2016 National Defense Authorization Act, which the Navy also has developed into a program referred to as Maritime Acquisition Authority (MAA).

Section 804 of the 2016 NDAA gives the Services authority to conduct “middle-tier acquisition,” a faster, specially-tailored requirements and acquisition process DOD can use for technologies that are mature enough to be rapidly prototyped or fielded. Section 806 lets the Secretary of Defense waive almost any acquisition law or regulation if he deems a particular weapons system is vital to national security.

A concern regarding the use of these authorities is they do not include the same oversight measures available to Congress if a program falls significantly off timeline or over budget. Given recent acquisition issues, what assurance can you provide that the use of these authorities will be used prudently not lead to overextended, unaccountable programs?

The Navy provides oversight on Section 804/806 programs through formal reviews of cost and schedule by the Chief of Naval Operations and the Assistant Secretary of the Navy for Research Development and Acquisition (ASN RDA).

35. VADM Gilday, the April 24, 2018 “Middle Tier Acquisition and Acquisition Agility Guidance” signed by Assistant Secretary of the Navy for Research, Development and Acquisition James F. Geurts, provides guidance for the applicability of what weapons systems can be characterized as “middle tier” by criteria related to prototyping plans, acquisitions plans, and the time required to rapidly prototype or field a weapons system, but there is no mention of costs associated with a system like a traditional Joint Capabilities Integration and Development System (JCIDS) program. Do you feel that not including criteria for program costs is appropriate?

If confirmed, I will work with ASN RDA to determine how cost should be considered in approval of programs to use the middle tier acquisition authorities.

36. VADM Gilday, do you feel there should be a cost limit for systems to still be considered middle-tier and acceptable for acquisitions management under MAA/804 authorities?

Cost is and should always be considered for all programs including middle tier programs.

United States-China Conflict (South China Sea)

37. VADM Gilday, the NDS Commission report highlights that America’s combat advantage, especially vis-à-vis Russia and China is eroding with the far-reaching consequences: “U.S. competitors and adversaries—particularly Russia and China—are increasingly contesting American control of the maritime, space, and cyber commons and improving their ability to strike the U.S. Homeland...” and “Because the military balance casts its shadow over international diplomacy, the erosion of U.S. military advantage is weakening the norms and principles for which America has traditionally stood. It is no coincidence that threats to freedom of navigation in the South China Sea—through which one-third of global shipping transits—have increased as the military balance has deteriorated. Similarly, the credibility of American alliances—the bedrock of geopolitical stability in key areas—will be weakened as allies question whether the United States can defend them; American rivals and adversaries will be emboldened to push harder.” In your opinion, what are the most critical areas where China and Russia are catching up with or surpassing the U.S. Navy?

The National Defense Strategy clearly outlines the complex strategic environment that includes the re-emergence of strategic competitor. Both China and Russia pursuing military modernization programs that leverage emerging technologies such hypersonic weapons, directed energy, offensive cyber capabilities, and artificial intelligence. In addition they continue to modernize their conventional and nuclear forces with more capable and sophisticated capabilities.

38. VADM Gilday, in your view, what areas are Russia and China betting will be the biggest and where are they making the most progress?

It is clear that our adversaries are pursuing advances in artificial intelligence, cyber, hypersonic, directed energy, and autonomous systems to provide them asymmetric advantages. In addition to military modernization, as in the case of China, they are leveraging influence operations and predatory economics to assert power through an all-of-nation long-term strategy to coerce neighboring countries to reorder to their advantage.

39. VADM Gilday, with Arctic Sea lanes opening, and Russia and China's increasingly aggressive posture in the region, how will you change, if at all, the Navy's posture to address these threats?

Given the competing geographic boundaries that encompass the Arctic, I believe the Arctic is strategic terrain in the defense of the homeland and protecting U.S. northern approaches is critical to our national security. The Navy, along with the entire Joint Force must consider all options in terms of how to ensure security interests in the region. Any recommendations regarding changes to base infrastructure in the Arctic should be considered in light of our overall strategic posture in the NORTHCOM, INDOPACOM, and EUCOM AORS.

Senator Richard Blumenthal

Cyber Warfare

40. VADM Gilday, this Committee has tried to provide appropriate authorities for our armed services to respond and push back against our adversaries in cyberspace. In 2018, you assessed that Russia, China, and North Korea are gaining on the United States in cyber, is this still the case?

Yes. The cyber capabilities of our adversaries continue to advance and pose a direct threat to U.S. networks.

41. VADM Gilday, if confirmed, how will your previous experience at U.S. Cyber Command inform your leadership of the Navy?

During my 23 months as commander of Fleet Cyber Command, I developed a firsthand understanding of how cyberspace intersects every one of our military's mission areas with special emphasis in the areas of signals intelligence, satellites, global telecommunications, networks and cyber. I commanded a force faced with a constantly adapting adversary and learned that while our technological advantage is critical, our people, who give their all every day, are really our enduring source of advantage.

42. VADM Gilday, how should the Navy better integrate offensive and defensive cyber operations into the greater naval operating concept?

Winning the future fight will require supremacy of the electromagnetic spectrum to include winning in the cyber domain. As the Commander of Fleet Cyber Command/U.S. Tenth Fleet, it is clear to me that our naval operating concepts must fully integrate, and develop new cyber capabilities to keep ahead of our adversaries. If confirmed, I will look at the best approaches to expand our cyber advantages, while reducing our vulnerabilities to ensure Navy can compete and win across the entire battlespace.

43. VADM Gilday, the companies that develop America's premier technology and weapon systems must be vigilant in protecting their networks. From your experience, where has the Navy successfully supported improving cyber security of its contractors?

I would be happy to provide specific details in a classified environment, but can state Navy is actively working with our industrial base partners to audit and highlight areas of vulnerability within their systems that contain unclassified, but sensitive information.

44. VADM Gilday, will you commit to me that, if confirmed, you will work to further improve the Navy's support for the cyber security of the defense industrial basis?

Yes.

Distributed Maritime Operations

45. VADM Gilday, in your advance policy question responses you listed hypersonics and autonomy as key modernization priorities. Please elaborate on your vision for Navy modernization in these areas.

The Navy must explore all emerging capabilities that will provide an advantage over our adversaries. Long-range hypersonic and unmanned systems are anticipated to become key enablers of the future fight. If confirmed I will continue to move quickly to assess the resultant naval power delivered by these systems, moving forward based on a demonstrated and evidenced-based capability.

46. VADM Gilday, how do you plan to employ the technology?

If confirmed, I will review the operating concepts of such technologies and determine employment concepts based on the demonstrated and evidenced based capabilities that they provide. We will also leverage experimentation, exercises, and war games to better inform our way forward.

47. VADM Gilday, because our Carrier Strike Groups and Amphibious Ready Groups are built around a limited number of costly and difficult to replace ships, are you concerned that hypersonics missile technology presents a challenge to this operating concept?

Carrier Strike Groups and Amphibious Ready Groups (collectively the Strike Force) continues to provide the Nation the most flexible, mobile, and responsive fighting force in the world. The defensive and offensive capabilities of the Strike Force are the postured to defend against current and future threats such as hypersonic weapons. If confirmed, I would be happy to provide a classified overview of these capabilities.

48. VADM Gilday, do you believe the title 10 requirement for 11 operational aircraft carriers is valid or should we conduct an assessment of this requirement?

The Navy's requirement as outlined in the 2016 Forces Structure Assessment sets the Navy requirement as 12 operational carriers to meet Combatant Commander Requirements. Given the increased threats posed by China and Russia, and the need for sustained combat power from the sea, I believe the current requirement for at least 11 operational aircraft carriers remains valid. The Navy is currently updating the FSA to reflect the guidance as established in the 2018 National Defense Strategy, which will inform the size of the Naval force.

49. VADM Gilday, Marine Corps Commandant General David Berger has stated the Marine Corps should focus on supporting the Navy's sea control mission. How do you envision the Marine Corps supporting the Navy's sea control and denial objectives?

Collaborative experimentation, war-gaming, joint concept development, and analysis will inform how we optimize today's force as well as develop and design future capabilities.

50. VADM Gilday, do you think we need to adjust our operating concept so we do not rely on a single point of failure and instead employ a more dispersed naval force?

The Navy has been reviewing operating concepts to mature Distributed Maritime Operations that can take advantage new warfighting architectures that harness a tactical grid to connect distributed nodes (both manned and unmanned) while using analytic tools such as artificial intelligence/machine learning to support fast and sound decisions. Should I be confirmed, I look forward to continuing to explore this effort.

Submarines

51. VADM Gilday, what more can the Navy do to invest in the submarine workforce and industrial base?

As part of the planning for the significant ramp up in workload across the nuclear shipbuilding enterprise, the Navy and the shipbuilders jointly established the Integrated Enterprise Plan (IEP). The IEP originally assessed and is now executing the plan for shipbuilder construction capabilities and capacities to continue VIRGINIA Class (VCS) and FORD Class (CVN) construction success and achieve COLUMBIA Class (CLB) on-time design, construction, and delivery. As part of the comprehensive IEP, General Dynamics-Electric Boat and Huntington Ingalls Industries-Newport News Shipbuilding have developed a material sourcing plan that focuses on supplier readiness, supplier quality, and strategic outsourcing.

The Consolidated Appropriations Act for FY 2018 increased the appropriation for VCS Advance Procurement by \$225 million for “industrial base expansion” and the FY 2019 Act increased the CLB Advance Procurement by \$225 million for “submarine industrial base expansion.” This funding supported industrial base expansion by placing orders, targeted towards vendors common with CLB and CVN, a year earlier than planned to allow for a more efficient ramp up and level loading of suppliers.

As was done with the FY 2018 VCS AP increase and is being done in FY 2019, the shipbuilders and Navy will continue to reduce supplier risk by pursuing Multi-Program Material Procurement opportunities and supporting Continuous Production. These efforts are of particular importance in FY 2019 as VCS Block V receives full funding, CVN 80 and CVN 81 continue to receive incremental funding, and CLB design maturity is advanced enough to provide a more complete, procurement-ready parts list from which demand can be communicated, and workload expectations stabilized.

52. VADM Gilday, what additional authorities or funding do you need in order to continue this critical investment?

No additional authorities are needed at this time but the Navy is committed to working closely with Congress and industry to provide continued stability and acquisition efficiency to best support the production of multiple nuclear shipbuilding programs.

Senator Mazie K. Hirono

Questions for All Nominees

53. VADM Gilday, as part of my responsibility as a member of the Senate Armed Services Committee and to ensure the fitness of nominees for appointment to senior positions within the Department of Defense, I ask the same two questions that I ask nominees to all of the committees on which I serve. Since you became a legal adult, have you ever made unwanted requests for sexual favors, or committed any verbal or physical harassment or assault of a sexual nature?

No.

54. VADM Gilday, have you ever faced discipline, or entered into a settlement related to this kind of conduct?

No.

United Nations Convention on the Law of the Sea

55. VADM Gilday, do you support United States accession to the United Nations Convention on the Law of the Sea?

Yes. Accession to the Convention strengthens our credibility and strategic position on issues pertaining to freedom of navigation and would enhance the U.S. government's ability to respond to excessive maritime claims, land reclamation, and militarization efforts.

Pacific Missile Range Facility

56. VADM Gilday, the Pacific Missile Range Facility (PMRF) continues to be an outstanding facility – it is the only range in the world capable of tracking surface, subsurface, air, and space simultaneously. My hope is that DOD and the Navy continues to treat it as a priority. How valuable is PMRF to DOD and the Missile Defense Agency for testing, evaluation, and readiness?

The Pacific Missile Range Facility (PMRF) is our Nation's largest instrumented multi-environmental range capable of supporting surface, subsurface, air, and space operations simultaneously, with more than 1,100 square miles of instrumented underwater range and more than 42,000 square miles of controlled airspace. Located in the central Pacific, the PMRF is critically important to test missile defense systems and hypersonic weapons, as well as to support Navy training exercises.

57. VADM Gilday, if confirmed, can I have your commitment that you will do what you can to ensure that PMRF maintains its status as a premier facility including the full consideration of infrastructure needs?

Yes, key test capabilities at PMRF are part of the Department of Defense's Major Range and Test Facility Base (MRTFB) infrastructure, and as such, receive sustainment priority.

Red Hill

58. VADM Gilday, I am concerned about the issue of fuel storage tanks at Red Hill on Oahu. These fuel tanks are essential to many different types of military operations in the Pacific. Are you aware of the ongoing discussions between the Environmental Protection Agency, Hawaii Department of Health, and the Navy regarding Red Hill?

I have not been fully briefed on the nuances of the discussions between the Environmental Protection Agency, Hawaii Department of Health, and the Navy regarding Red Hill. However, if confirmed, I will ensure to learn more about this issue.

59. VADM Gilday, can I have your commitment to stay on top of this important issue and keep me informed as we move forward?

Yes.

60. VADM Gilday, what would be the impact to overall readiness in the area of responsibility (AOR) if the fuel storage tanks on Oahu were not available?

Red Hill continues to be a national strategic asset that provides power for sea control, maritime security, regional stability, humanitarian assistance and continued prosperity in the Indo-Asia-Pacific region.

Public Shipyard Modernization

61. VADM Gilday, I applaud the Navy for establishing a plan to modernize the public shipyards and consider this to be a major improvement after years of neglect of this important infrastructure. There have been military construction projects and various upgrades over the years, but the Navy has pursued these without a comprehensive plan. If confirmed, will you commit to fully supporting the public shipyard modernization plan?

Yes, I am fully committed to supporting the Navy's public shipyard modernization plan.

Sexual Assault Prevention and Response

62. VADM Gilday, what specifically do you intend to do to combat sexual assault and eliminate retaliation in the Navy?

Establishing an appropriate culture in which victims are treated with dignity and respect starts at the top. Leaders, from the service chief to the deck plates, are accountable for what happens in their units and are the key component of our ability to affect institutional change. Leaders at all levels must foster a command climate in which sexist behavior, sexual harassment and sexual assault are not condoned or ignored. If confirmed, my role would be to emphasize as a matter of leadership that prevention of, and appropriate response to, sexual harassment and sexual assault is critical to the Navy's readiness.

63. VADM Gilday, how will you ensure that your message is understood up and down the chain of command?

The chain of command is responsible for ensuring each member of the Navy is treated with dignity and respect, and the command must provide a safe work environment free of sexual harassment and sexual assault. All leaders, at every level, but especially commanding officers, are responsible for promoting a climate that does not tolerate destructive behaviors, including sexual harassment and sexual assault.

Manpower and Training

64. VADM Gilday, in the wake of two tragic collisions (USS *McCain* and USS *Fitzgerald*) in 2017 that claimed the lives of 17 sailors, the Navy reprogrammed \$24 million to fund the building of ship simulators to enhance the maritime skills of Navy sailors. Additionally, Navigation, Seamanship, and Ship-Handling Trainers (NSSTs) were upgraded to improve integration and displays. Are the changes implemented to date enough?

The collisions in 2017 and loss of 17 Sailors was a cathartic and tragic event for our Navy. As a result, the Navy took swift and immediate action to develop a culture of excellence predicated on safe and effective operations. The funding and development of the Maritime Skills Training Centers, which will include NSSTs, are critical in this effort. Although the Navy has made tremendous strides in the implementation of 104 of the 111 Comprehensive Review and Strategic Readiness Review recommendations, I want to personally visit the fleet and assess any areas that require additional focus, should I be confirmed.

65. VADM Gilday, despite significant changes to the training pipeline, last month, the USS *Billings*, a brand new littoral combat ship, struck a moored commercial vessel. While this accident was luckily far less tragic than the previous accidents, it does raise the same concern that we are still not doing enough to ensure that the sailors at the helm of our warships are properly trained. What else must be done to ensure we are meeting the manning and training requirements so this will not happen again?

In 2017, the Navy completed a comprehensive review of surface force incidents. The Navy adopted the recommendations from that review and I am dedicated to continue to expand on those efforts in order to ensure that those types of incidents do not occur so

that the Department of the Navy remains the preeminent Naval force. This will require sustained focus, commitment and funding.

SEAL Teams

66. VADM Gilday, in just the last 2 years, there have been numerous reports of wrongdoing by U.S. Navy SEALs [Navy Sea, Air, and Land (SEAL)] including drug abuse, charges of sexual assault, and accusations of war crimes. Navy leadership has said that this is not “indicative of a cultural problem”. Do you agree with this sentiment?

All Navy personnel are expected to uphold professional standards and comply with laws and regulations. When we fail in this respect, we have to thoroughly examine potential root causes for such incidents, including command culture. I cannot comment on any incident currently under investigation or in litigation.

67. VADM Gilday, I believe that a full-scale review into the culture of the Navy SEALs should be a priority for Navy leadership. Do you agree?

Our standard as military professionals is a culture of professionalism and accountability. If confirmed, you have my commitment to critical examination of the root causes of incidents like the ones mentioned in the preceding question, and taking appropriate action, if warranted.

Acquisition Process

68. VADM Gilday, the acquisition process in the Navy has been plagued by cost overruns and schedule delays. What actions will you take to address the cost and schedule issues in the Navy’s acquisition process?

In 2010, the Navy embarked on a Two Pass Six Gate process to bring together the requirements and acquisition communities to ensure communication was in place from the initial setting of requirements to the actual execution of contracts to deliver product to the warfighter. If confirmed, I will work with the Navy's Acquisition Executive to strengthen the process to ensure we set programs on the proper footing by defining program requirements balanced with maturity of available technologies, setting of realistic schedules, and properly budgeting programs.

Force Readiness

69. VADM Gilday, in an all-volunteer force, it is essential that we recruit and retain highly skilled individuals to both the Navy and Marine Corps. With a dwindling number of eligible Americans who are inclined to serve, what will you do to address the readiness challenge that this presents?

Attracting and retaining the best Sailors in an increasingly competitive talent market requires continued flexibility and transparency in policies and practices. We are arming

our talented workforce with a modernized, agile and flexible personnel system, ready to meet the challenges and uncertainty of an era of emerging great power competition. We are aggressively working to complete the Manpower, Personnel, Training and Education (MPT&E) transformation effort to simplify management and curtail personnel costs for Navy military manpower. Similarly, our Sailor 2025 initiatives are critical to recruiting the best Sailors up-front. To accomplish this mission, we will offer better talent-matching, greater career flexibility, modernized and portable training delivery, better life/work balance, and pay and incentives that keep pace with market forces. These factors will lead to higher retention and a leaner, more sustainable personnel footprint.

70. VADM Gilday, what is your plan to attract minorities, including women, to service?

Navy is committed to recruiting and accessing from a diverse group of applicants to secure a high-performing, innovative workforce that reflects all segments of society. We will continue strong coalitions with key influencers through community outreach and partnerships. “Influencers” play a bigger role in some cultures, which supports the strengths of a diverse Navy. Additionally, Sailor 2025 initiatives are critical to recruiting the best Sailors up-front. To accomplish this mission, we will offer better talent-matching, greater career flexibility, modernized and portable training delivery, better life/work balance, and pay and incentives that keep pace with market forces.

71. VADM Gilday, do you anticipate that implementation of the transgender policy will impact readiness?

I am unaware of negative impacts on unit or overall Navy readiness as a result of transgender individuals serving in their preferred gender.

Senator Martin Heinrich

Artificial Intelligence

72. VADM Gilday, I am very pleased to see your level of interest in Artificial Intelligence and machine learning. In particular, I'm interested in your efforts to expedite technologies from the labs to their operational capability. Can you please explain how the Navy Future Naval Capabilities and the Innovative Naval Prototype programs rapidly test and field these new capabilities?

Integral to our Future Naval Capabilities and Innovative Naval prototypes (INPs) are Fleet demonstrations and experiments. These activities are essential paths to rapid test and fielding of advanced technologies like Artificial Intelligence (AI). Our programs are also embracing dynamic software delivery pathways like SECDEVOPS; specifically, one of our current AI INPs is today pushing out code twice a week to operational units. Further, we are partnering with the Joint AI Center and associated entities to grow these and similar capabilities essential to effective AI adoption and deployment.

73. VADM Gilday, how do you see Artificial Intelligence fitting into the future of our military capabilities?

The potential application of AI in the military is quite literally infinite; however, our resources are not. If confirmed I will ensure that we judiciously identify areas of greatest return for the Navy and the Nation for the application of scarce resources such as those associated with AI (especially expertise).

Hypersonics

74. VADM Gilday, I know one of your modernization priorities is the development of hypersonic vehicle technology. As you know, Sandia National Laboratories has played a critical role in developing this technology over decades and is the core reason for why we have a capability ready to prototype. I have spoken to lab directors who are eager to transition this technology to industry and believe it is important to co-locate the research and development (R&D) and the manufacturing of these systems. What will be the role of the lab community, and industry partners, as we seek rapid development of this capability?

Rapid development of hypersonic capabilities will require close partnership between the lab community and industry. Both have roles to play. The lab community has a longer-term focus, conducting internal research and sponsoring external research (in academia and industry) that spans the spectrum from basic scientific experiments to large prototyping efforts. Industry tends to be more near-term focused and harvests laboratory and internal research into the design of systems that are acquired and fielded by the Department. Each of these roles requires specialized and very diverse skills, facilities, and equipment. Because of the complexity of these hypersonic systems, the entire community must work together to effectively produce the desired capabilities.

75. VADM Gilday, is there value in co-location of these capabilities to ensure expedited knowledge transfer in this new domain?

Research, development, design, test, and production of hypersonic systems require a diverse set of large, complex, and expensive research, test, and manufacturing capabilities. Because of the diversity, specialization of the equipment, and in many cases, sheer physical size (a large hypersonic wind tunnel, for example), it is simply not possible to collocate them all. As such, expedited knowledge transfer is most effectively accomplished through well-functioning communities of interest and IT-based solutions.

Directed Energy

76. VADM Gilday, I am encouraged by the Navy's rapid demonstration of directed energy systems on surface ships. Earlier this year, the Navy announced its intention to build out its laser family of systems, including a 150 kw [kilowatt] laser weapon. Additionally, reports indicate the Navy successfully engaged and disabled a fixed-wing drone approaching the USS *Boxer* on the Strait of Hormuz on July 18, 2019. Can you please explain how the Navy has diversified its R&D in directed energy technology?

The Navy is pursuing a diverse set of technical approaches and operational concepts for laser weapons in a portfolio of projects that we call Navy Laser Family of Systems. These efforts mature advanced technologies like lasers and beam directors beyond the current state of the art, expand the industrial base, help us understand the challenges of integrating with ship systems, and provide initial capabilities to the Fleet for operational experimentation on multiple Navy ships. The near term goal for these systems is to provide ship defense against tactical threats like surface craft, UAVs, and adversary surveillance systems. The Navy is also working in close coordination with OSD and the other Services to pursue directed energy technology.

77. VADM Gilday, how is the Navy considering high powered microwaves for threats like cruise missiles and hypersonics?

The Navy recognizes that high power microwaves could contribute to the defeat of advanced air threats. However, more specific details would require discussion at an appropriate classification level.

Joint Directed Energy Test Center

78. VADM Gilday, the Joint Directed Energy Test Center (JDETC) at White Sands is the center of excellence, envisioned by Congress to synergize directed energy and high-powered microwave technologies across DOD. Given the Navy's focus on directed energy technology, I want to understand your commitment to supporting our test centers that have suffered under a lack of attention and funding. Do you agree that having the collaboration among the Services, at a joint testing location, is prudent when developing this critical technology?

White Sands Missile Range (WSMR) fulfills a critical role for the Navy and other Service's Directed Energy programs as a sensible location for testing of Directed Energy systems while under development. The Navy has been testing Directed Energy systems at facilities located on WSMR for decades and will continue to do so in the foreseeable future.

Senator Elizabeth Warren

Climate Change

79. VADM Gilday, the 2019 unclassified worldwide threat assessment by the Director of National Intelligence observed, “Global environmental and ecological degradation, as well as climate change, are likely to fuel competition for resources, economic distress, and social discontent through 2019 and beyond.” This assessment went on to say that, “damage to communication, energy, and transportation infrastructure could affect low-lying military bases, inflict economic costs, and cause human displacement and loss of life.” Do you agree with the Intelligence Community’s assessment of the climate change threat?

Yes.

80. VADM Gilday, does taking practical steps to improve the resiliency of the Military Services’ missions, operational plans, training ranges, and installations to climate change positively impact our preparedness to confront the challenges posed by great power competitors China and Russia, as well as threats posed by Iran, North Korea, and violent extremist organizations?

Yes.

81. VADM Gilday, section 320 of the Senate-passed Fiscal Year 2020 National Defense Authorization Act (NDAA) contains a requirement that the Secretary of Defense, in his annual budget submission to Congress, shall include “a dedicated budget line item for adaptation to, and mitigation of, effects of extreme weather on military networks, systems, installations, facilities, and other assets and capabilities of the Department of Defense; and an estimate of the anticipated adverse impacts to the readiness of the Department and the financial costs to the Department during the year covered by the budget of the loss of, or damage to, military networks, systems, installations, facilities, and other assets and capabilities of the Department, including loss of or obstructed access to training ranges, as a result extreme weather events.” Do you believe this provision could assist DOD in preparing for climate change-related risks on the front end and reduce the need for DOD to come to Congress with supplemental appropriations requests after weather disasters damage military installations?

We need to look at all threats holistically and take a balanced approach to adapt current and future operations to address impacts. Establishing a separate budget line for extreme weather conflicts with the Department’s efforts to incorporate climate resilience into day-to-day decision making. We believe it would be more effective to integrate resiliency requirements into the military construction (MILCON) projects for new construction as well as modernization projects.

United Nations Convention on the Law of the Sea

82. VADM Gilday, in his written responses to the Committee's advance policy questions when he was nominated to be Chief of Naval Operations (CNO), Admiral John Richardson stated the following in response to the question, "Do you support United States accession to the United Nations Convention on the Law of the Sea?": "I support accession to the Convention. Being a party to the Convention enhances the United States' security posture by reinforcing freedom of the seas and rights vital to ensuring our global force posture. The Convention provides legal certainty in the world's largest maneuver space. Access would strengthen the legal foundation for our ability to transit through international straits and archipelagic waters; preserve our right to conduct military activities in other countries' Exclusive Economic Zones (EEZs) without notice or permission; reaffirm the sovereign immunity of warships; provide a framework to counter excessive maritime claims; and preserve our operations and intelligence-collection activities. Joining the Convention would also demonstrate our commitment to the rule of law, strengthen our credibility among those nations that are already party to the Convention, and allow us to bring the full force of our influence in challenging excessive maritime claims. Finally, it would secure for us a leadership role in shaping and influencing future maritime developments." Do you agree with Admiral Richardson?

Yes.

83. VADM Gilday, if the United States does not ratify the UN Convention on the Law of the Sea, do you support the United States continuing to observe this treaty as a matter of customary international law?

Yes.

Sexual Assault and Harassment

84. VADM Gilday, the Department's most recent survey data of sexual assault shows that instances of unwanted sexual contact rose to 20,500—an increase of 38 percent since the last survey was conducted. This is unacceptable. Despite years of promises to get this problem under control and eradicate it from the ranks, the problem is getting worse. The Services are failing. The steps your predecessors have taken are clearly not working. If confirmed, what would you do differently?

I will focus on command leadership at every level, and demand that all leaders maintain command climates, which are intolerant of all types of destructive behaviors, especially sexual harassment and sexual assault. Although the prevalence of sexual assault is too high, the increase in reporting reflects survivors' trust in their command to provide them the care they need and confidence in the processes that hold offenders appropriately accountable. We must continue to do all that we can to earn and expand that trust.

85. VADM Gilday, the Services have claimed that commanders must be part of the solution to eradicating sexual assault and that removing them from the decision making process with regard to bringing charges in sexual assault cases would be a grave mistake. Yet, the

most recent survey data shows that commanders have not had a meaningful impact on reducing the instances of sexual assault. How would you propose to meaningfully make them part of a solution that has proved so elusive?

I believe the commander remains in the best position to have a meaningful impact on reducing the instances of sexual assault because the commander is accountable for all that goes on in his or her command. As we continue to assess our policies and procedures, I will commit to you to evaluate how we can ensure commanders have all of the tools and resources they need to stop destructive behaviors in their commands.

86. VADM Gilday, do you believe that removing prosecution decisions for serious crimes from the commanders who have general court-martial convening authority would meaningfully diminish the authority of the remaining commanders that do not have such authority, and if yes, in what ways? Please explain.

Yes, I believe removing a commander's decision over discipline, including the decision to prosecute all crimes, will fundamentally compromise the health and readiness of our military. Under the current system, Commanders do not make military justice decisions in isolation. Every Commander is informed and advised by qualified, professional judge advocates throughout the life of a case and at each key stage of the process, from report and investigation to disposition and adjudication. External entities have previously evaluated the role of the commander and have determined that removing the Commander's authority within the military justice system would not improve the quality of investigations and prosecutions, or the military's response to sexual assault. In its March 2019, report the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces (DAC-IPAD) concluded that there was no systemic problem with command decision-making regarding preferral of charges for penetrative offenses. Ultimately, commanders are in the best position to make decisions affecting good order and discipline because, at the end, it is ultimately a commander's responsibility to ensure good order and discipline.

87. VADM Gilday, do you believe that removing prosecution decisions for serious crimes from the commanders who have general court-martial convening authority would harm military discipline and readiness, and if yes, in what ways? Please explain.

Yes, I believe removing a commander's decision over discipline, including the decision to prosecute all crimes, will fundamentally compromise the health and readiness of our military. Under the current system, Commanders do not make military justice decisions in isolation. Every Commander is informed and advised by qualified, professional judge advocates throughout the life of a case and at each key stage of the process, from report and investigation to disposition and adjudication. External entities have previously evaluated the role of the commander and have determined that removing the Commander's authority within the military justice system would not improve the quality of investigations and prosecutions, or the military's response to sexual assault. In its March 2019, report the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces (DAC-IPAD) concluded that there was no

systemic problem with command decision-making regarding preferral of charges for penetrative offenses. Ultimately, commanders, not uniformed prosecutors, are in the best position to make decisions affecting good order and discipline because, at the end, it is ultimately a commander's responsibility to ensure good order and discipline.

88. VADM Gilday, would you support a modification to the current way in which military sexual assault survivors obtain protective orders so that the survivor is not required to obtain a protective order through the survivor's chain of command, and can instead obtain a protective order directly from a military judge or military magistrate?

I support efforts to enhance the safety, wellbeing, and readiness of all Service Members. The consideration of whether to issue a protective order is a responsibility that resides with commanders. Under DoD and Navy regulations, denial of a protective order in a sexual assault case must be raised to the installation commander or equivalent command level for final decision in consultation with a judge advocate. I am open to further considering whether this authority should be provided to military judges or military magistrates as well.

89. VADM Gilday, after investigative reporting in 2017 revealed that certain marines were using social media to solicit and share naked photographs of female servicemembers and veterans, the National Defense Authorization Act (NDAA) for Fiscal Year 2018 created an offense under the Uniform Code of Military Justice (UCMJ) that prohibits the distribution of a photo or video of the private area of a person or of sexually explicit conduct that was recorded with consent and distributed by someone who knew or should have known that there was no consent to distribute. At this time, would you recommend any additional measures to strengthen this law?

Article 117a, UCMJ, went into effect immediately upon enactment of the Fiscal Year 2018 National Defense Authorization Act on November 9, 2017. Because this article is relatively new, I believe it is too early to know exactly what, if any, measures are necessary to strengthen this law. However, if confirmed, I will continue to evaluate its effectiveness and will not hesitate to recommend changes, if warranted.

Military Housing

90. VADM Gilday, if confirmed, will you pledge to hold subordinate commanders accountable for base housing conditions that do not meet appropriate standards of habitability?

Yes.

91. VADM Gilday, do installation commanders need additional authorities to ensure that base housing conditions meet appropriate standards of habitability?

Existing Military Housing Privatization Initiative (MHPI) authorities are sufficient and provide ample opportunities for Installation Commanders to hold privatized housing partners accountable for providing housing that meets appropriate standards

Transgender Servicemembers

92. VADM Gilday, what will you do to ensure that transgender servicemembers serving openly and successfully in grandfathered status under DTM-19-004 are protected against the discrimination that is now required by DOD policy?

If confirmed, I will continue to ensure all Sailors are treated with dignity and respect throughout the Navy. If Sailors meet physical and mental standards, are worldwide deployable, and have served honorably, they should be afforded the opportunity to continue to serve.

93. VADM Gilday, what will you do to ensure that transgender servicemembers serving openly and successfully in grandfathered status are not affected by the larger message of DOD policy that persons who transition gender are not qualified for military service?

If confirmed, I will continue to ensure all Sailors are treated with dignity and respect throughout the Navy. If Sailors meet physical and mental standards, are worldwide deployable, and have served honorably, they should be afforded the opportunity to continue to serve.

Unmanned Underwater Vehicles

94. VADM Gilday, the Senate-passed National Defense Authorization Act (NDAA) for Fiscal Year 2020 includes a provision, ‘Acquisition roadmaps for certain Navy unmanned systems’ that notes the substantial increase in funding for various unmanned systems and directs the Secretary of the Navy to submit a report that provides acquisition roadmaps for Large, Medium, Orca and the Snakehead unmanned underwater vehicles. The Senate specifically raises a concern that the acquisition strategies related to these new vehicles could lead to the procurement of an excessive number of systems before the Navy is able to determine if these future vehicles meet operational needs. If confirmed by the Senate as the Chief of Naval Operations, will you take into consideration existing centers of excellence in commercial unmanned underwater technologies, and potentially supporting DOD infrastructure, such as the Woods Hole Research Center and nearby Joint Base Cape Cod, to leverage best commercial practices and technologies, that could lower the Navy’s risk and reduce the time to move these new designs to initial operating capability?

Yes.

Naval Special Warfare

95. VADM Gilday, last week, the commander of Special Operations Forces in Iraq sent a platoon from Navy SEAL Team 7 home from Iraq “due to a perceived deterioration of good order and discipline within the team during non-operational periods.” The platoon reportedly engaged in unauthorized drinking and a senior SEAL allegedly raped a female servicemember attached to the unit. This report came shortly after reports surfaced of “rampant cocaine abuse” among SEAL Team 10 members. Meanwhile, the court martial of Special Operator First Class Edward Gallagher, accused of killing unarmed Iraqi civilians in 2017, revealed that his SEAL unit had also engaged in unauthorized drinking on deployment and that officers routinely participated in this activity. Finally, two SEALs are accused of participating in activity contributing to the death of Army Special Forces Sergeant Logan Melgar in Mali. One SEAL pleaded guilty to hazing and assault, and the other has been charged with killing Sergeant Melgar with a chokehold. These are deeply disturbing reports of potentially criminal behavior and misconduct. Do you believe that these are merely isolated incidents or part of a cultural problem within the Naval Special Warfare community? Why or why not?

All Navy personnel are expected to uphold professional standards and comply with laws and regulations. When we fail in this respect, we have to thoroughly examine potential root causes for such incidents, including command culture. I cannot comment on any incident currently under investigation or in litigation.

96. VADM Gilday, do you believe Naval Special Warfare Command needs greater oversight from the Navy? Why or why not?

Our standard as military professionals is a culture of professionalism and accountability. If confirmed, you have my commitment to critical examination of the root causes of incidents like the ones mentioned in the preceding question, and taking appropriate action, if warranted.

97. VADM Gilday, what will you do as Chief of Naval Operations to enforce good order and discipline within the SEAL community?

If confirmed, you have my commitment to critical examination of the root causes of incidents like the ones mentioned in the preceding question, and taking appropriate action, if warranted.